

After The Washington Post exposed the \$250 million operation, Leo stepped back from his Federalist Society role and turned up at a new organization improbably named the Honest Elections Project. This project began voter suppression work in political swing states like Florida, Nevada, Wisconsin, and Michigan that included: negative ads against Democrats; threatening letters to election officials challenging voter rolls; and a barrage of lawsuits seeking voting restrictions for November's election.

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The media soon uncovered that the Honest Elections Project was a rebrand of the Judicial Education Project—which shared connections, donors, and aims with its sister group—yes, the Judicial Crisis Network. As a reporter for The Guardian observed, the Honest Elections Project melds two goals of the right-wing dark-money operation: first, pack the federal judiciary; and second, bring voting rights cases before the packed courts. Rigging elections through the courts is now a Republican judicial priority.

This brings us back to Gupta and Clarke. Gupta once ran the Civil Rights Division. She prosecuted hate crimes and human trafficking, promoted disability and LGBTQ rights, and fought discrimination in education, housing, employment, lending, and religious exercise. But most important, she challenged voter suppression. Gupta, if confirmed as assistant attorney general, will supervise the Civil Rights Division she once ran.

Accomplished civil rights attorney Clarke will fill Gupta's former role running the Division and enforcing voting rights. The Honest Elections Project, kin to the Judicial Crisis Network, wants no part of these two women, because they will be strong, motivated leaders against unlawful voter suppression. They preferred Trump's Civil Rights Division, which didn't bring one single Voting Rights Act case until late May of 2020.

That's the motive. The donor-approved Republican appointees to the Supreme Court may handcuff the Civil Rights Division with further judicial assaults on voting rights. But Trump's cronies at the Justice Department showed dark-money donors the value of a captive Department that would look away from voter suppression schemes. As Republicans hinge their election strategy on keeping Americans from voting, an active Civil Rights Division is a deadly threat.

I get it. If I were a right-wing special interest group, the last thing I would want is these two experienced lawyers wielding the power of the Justice Department to defend voting rights. But for everybody else, these women are two appointments to applaud.

Mr. VAN HOLLEN. I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Tennessee is recognized.

Mrs. BLACKBURN. Madam President, I find it so interesting that my friend and colleague across the aisle is trying to deflect questions and concerns that we have by insinuations and some pretty disgusting slander, and I am sorry that we have listened to that here on the floor of this Chamber.

Yes, indeed, I am coming to the floor today to oppose discharging Vanita Gupta from this floor to be confirmed as the Associate Attorney General. And, yes, I have concerns. I have had questions in committee.

I will tell you I didn't expect to find a lot in common with her because I

have had a difficult time finding a lot in common with some of the nominees that President Biden has sent over to us at Judiciary Committee. But as a member of that committee, it is my responsibility to approach each nomination with an open mind. Some I have decided were worthy of an "aye" vote. There are others, like Ms. Gupta, that I feel are not worthy of a confirmation vote.

Over the course of the review of information—and to my friend, the chairman of the Judiciary Committee, 11,000 pages of documents—you can send in a million pages of documents, but if you are not answering the question, if you are trying to circumvent the question or nuance it or dance around it, it still doesn't answer the question. So the volume doesn't really matter.

What matters is someone who steps up and says: Here is my answer—clear, concise. That is what you want, and that is what the American people expect.

I arrived at the opinion that, no, I didn't think she was fit to take that No. 3 position, not because I disagreed politically but because the answers that she gave on some specific issues—police funding, drug legalization, qualified immunity—were so inconsistent with what she had previously said or what she had previously written that no one can say with any degree of certainty what she will do with the newfound power if we decided to give that to her. No one knows what she would do.

Due to the time constraints we have on the floor today, I want to go back to the 2012 article and use that as one example. There has been quite a bit said about that. Now, she was in the position of the ACLU's deputy legal director. She wrote an op-ed arguing—and I quote, and we have just heard a good bit about this—"States should decriminalize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs." That is a quote.

Speaking as a Senator representing the interests of a State struggling to emerge from the opioid epidemic, this statement to me is a disqualifier. It is as simple as that.

Senator CORNYN added to that conversation with other specific items that have transpired in her past. In her hearing, which took place in March, Ms. Gupta almost got away with disavowing that op-ed. But when we pressed her on it, what did she have to say? That her position had evolved.

It seems there is an issue with some of these nominees that are coming before us. They are going through these just in time, road to Damascus, evolution processes. All of a sudden, they are evolving to a position of something that they think the committee wants to hear, that they think will help them skirt through, that they think will help them get confirmed so that they can hold the power.

Ms. Gupta has also evolved on criminal justice reform, on the fundamen-

tals for that. And as we have discussed on this floor today, the fact checkers have had a pretty good time with that. Back in March, the Washington Post took her to task—Senator CORNYN talked about this—her evolving position, her shifting views on defunding the police, decriminalization of drugs. This is the Washington Post. This is the Washington Post that gave her the unusual upside-down Pinocchio because she was flip-flopping and evolving at such a rapid rate, they couldn't keep up with it.

Madam President, everyone has the right and the opportunity to change their mind. Absolutely, people have the right to change their mind, but trying to follow the many changes of her mind on the issue of drug crimes, on decriminalization, on defunding police—these are important issues to our communities. These are not a game. These are very important issues to the safety and security of our communities.

The number of inconsistencies in her testimony more than test the boundaries of understanding. Is she still evolving? Is she going to flip-flop, as the Washington Post says, back to her previous opinions of 2012? Is she going to flip-flop again? Would we see that in the next 11,000 pages of documents that were submitted that she has decided to change her mind one more time? From what standard is she going to work at the Department of Justice?

Each of these are concerns. Each of these are reasons that my hope is that this Chamber will refuse to discharge Vanita Gupta for a confirmation vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, before my distinguished friend's speech, I ask unanimous consent to have an article appended as an exhibit to the remarks I gave earlier.

The PRESIDING OFFICER. The Senator from North Dakota.

REMEMBERING DOUGLAS BURTELL

Mr. CRAMER. Madam President, 12 days ago, on April 3, we brought sad news of the passing of Douglas Burtell, of Bowman, ND, the last known World War II veteran residing in my State from the legendary 164th Infantry Regiment of the North Dakota National Guard. Tomorrow would have been his 97th birthday, April 16. I join in remembering and honoring him and the generation of heroes he represents to our State and to our Nation.

Douglas Burtell joined the National Guard in Fargo at the age of 16. In February of 1942, 2 months after the attack on Pearl Harbor, this Casselton native was among the 1,723 young men to mobilize in the 164th Infantry Regiment. Ten months later, the regiment sailed into history as the first U.S. Army unit to offensively engage the enemy in the Pacific when they landed at Guadalcanal on October 13, 1942. There they reinforced the 1st Marine Division and spent more than 600 days in the combat zone until August 1945.

His talent for illustration was noticed at the national regiment headquarters, where he was trained in intelligence and reconnaissance. There he interpreted aerial photography, analyzed captured materials, and drew maps based on patrol reconnaissance reports. His service included combat on the Philippine Islands, Bougainville, and Guadalcanal, and he received the Purple Heart after being wounded in action.

Returning to North Dakota after the war, Mr. Burtell earned his high school GED, attended art school in Minneapolis, and spent much of his life in lumber, millwork, and camper sales in Fargo. He spent his last years living near his daughter in Bowman, ND.

Often attending reunions of the 164th Regiment Infantry Association, he was present at its final gathering in October 2017. He helped relatives of other veterans with research about the war experiences of their loved ones.

And he painted throughout his life, generously sharing his work with friends. Mr. Burtell's artwork helped tell the everyday stories of the soldiers as they fought their way through the South Pacific. His illustrations are a lasting testament to the heroic contributions of the 164th Infantry Regiment to World War II. He was honored in March when North Dakota Adjutant General, Major General Al Dohrmann announced one of his sketches would be featured on a new recognition coin. Other artwork is etched in granite on the 164th Infantry Regiment Memorial located at the North Dakota Veterans Cemetery near Mandan, which is now Mr. Burtell's final resting place.

Madam President, on behalf of all Dakotans and a grateful nation, I offer my deepest condolences to Douglas Burtell's family and friends, including his daughter and son-in-law, Barb and Steve Conley, his two granddaughters, and five great-grandchildren.

Today, with most of our World War II veterans now gone, Mr. Burtell's artwork preserves the faces of so many brave North Dakotans and exemplifies their patriotism and dedication.

The 164th Infantry Regiment's motto in French, "Je Suis Pret," "I Am Ready," inspires today's North Dakota National Guard motto of "Always Ready, Always There." God bless the memory of Douglas Burtell and the brave soldiers of World War II who were always ready.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NOMINATIONS OF VANITA GUPTA AND KRISTEN CLARKE

Mr. CRUZ. Madam President, I rise today to express concerns over two of the Democrats' nominees. There have been a number of questionable nominees put forth by this new administration, but these two nominees may be the two most radical nominees put forth.

First, I would like to talk about Vanita Gupta. Today, we are set to

vote on discharging Vanita Gupta's nomination out of the Judiciary Committee because Ms. Gupta could not garner a majority vote in the committee on moving her nomination forward to the full Senate.

The Judiciary Committee is deadlocked and for good reason. This nominee's record is that of an extreme partisan ideologue. I can assure the American people, Ms. Gupta is not a moderate, is not mainstream but is, rather, an extreme political activist whom the Democrats want to be the No. 3 lawyer at the Department of Justice.

When she testified before the Judiciary Committee last month, she consistently dodged questions. She wouldn't answer if she supported any restrictions, whatsoever, on abortion. She wouldn't answer—not partial-birth abortion, not anything.

When it comes to the Second Amendment, I asked Ms. Gupta if she thought the Heller decision, the landmark decision upholding the individual right to keep and bear arms, if that decision was rightly decided. She refused to answer that question.

For years, she has demonstrated a persistent hostility to religious liberty, such as when she defended the Obama administration's targeting and persecution of the Little Sisters of the Poor. Not too long ago, religious liberty was a bipartisan commitment in this body. The Religious Freedom Restoration Act was introduced by then-Representative CHUCK SCHUMER, now the Senate majority leader. It had passed the House unanimously. It passed the Senate 93 to 3 and was signed into law by Democratic President Bill Clinton.

Sadly, today's Democratic Party has abandoned religious liberty. That is no longer a commitment. Instead, today's Democratic Party embraces extreme ideas like the Equality Act, which has just come out of the House of Representatives. It is a radical piece of legislation that, among other things, explicitly repeals major parts of the Religious Freedom Restoration Act designed to take away your religious liberty.

Ms. Gupta has been a vocal defender of the misnamed Equality Act. She lobbied for its passage, a fact that she didn't disclose to the committee initially. When she was before the Judiciary Committee, I asked if she agreed with the provisions of the Equality Act that take away religious liberty protections from Americans. Again, Ms. Gupta refused to answer that question, too.

Ms. Gupta has demonstrated radical hostility to school choice, so much so that when she served in the Department of Justice during the Obama-Biden administration, she helped intervene in a case trying to kill a Louisiana school choice program, even though many of the African-American parents in Louisiana strongly supported and desperately needed that program. The Federal court involved in this case even reprimanded the Depart-

ment of Justice under her leadership for ineffective lawyering in this case.

At the Judiciary hearing of Ms. Gupta last month, I asked if she regretted using the Department of Justice to fight against the school choice program that was providing hope and opportunity to low-income minority kids in Louisiana. Again, she refused to provide a straightforward answer.

When it comes to defunding the police, it is here that Ms. Gupta is most radical. Last year, Ms. Gupta, in a written filing with this Senate, encouraged Congress to "reexamine Federal spending priorities and shrink the footprint of the police and criminal legal system in this country." She also encouraged reallocating resources, writing, "Some people call it 'defunding the police,' other people call it 'divest-invest,' but whatever you call it, if you care about mass incarceration, you have to care about skewed funding priorities."

These weren't Ms. Gupta's college writings. These weren't scribbles on a Post-it she made somewhere. These statements were from last year, submitted to the U.S. Senate. And on their face and unequivocally, they advocate for defunding the police.

There is no question on her record that Ms. Gupta is a hard-left partisan radical whose beliefs don't align with the majority of the American people. So why are Democrats so hell-bent on making sure she gets confirmed? Two reasons.

Reason No. 1: Headlines. Democrats care so deeply about looking good in the press, they continue to press through partisan bills and partisan activists for adulation by adoring media.

Reason No. 2: Today's Democrats are beholden to the far-left voices in their party, and they are fulfilling campaign promises that they made to the radical left.

That is why they nominated Ms. Gupta, and that is why they broke Judiciary Committee rules to move forward her nomination. Rule 4 of the committee, preserves the right of minority members to speak before a vote. It only allows for stopping debate and bringing a matter to a vote if a majority of the committee agrees, including at least one member of the minority party.

But the Democrats didn't have a majority. If they had tried to bring a matter to the vote under the rules, the vote would have failed. So, instead, Chairman DURBIN unilaterally silenced and stopped a member of the committee from speaking, mid-sentence, and forced a vote. He did so in flatout violation of the rules, without even a pretense of a justification under the rules.

The chairman knew that this was an abuse of power. Every Democrat on the committee knew it was an abuse of power. It was an abuse of power that had never been done against them when Republicans had the gavel for 6 years.